

<b>Response to Missing Requirements Under 35 USC § 371</b>	Attorney Docket No.: <b>DUMME56.001APC</b> First Named Inventor: <b>Laurence Michael Byrne</b> Int'l Application No.: <b>PCT AU/03/00349</b> US Application No.: <b>10/508,747</b> Entered National Phase: <b>September 21, 2004</b> Title: <b>INCREMENTAL MATERIAL URGING SYSTEM</b>
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**Direct all correspondence to Customer No.: 20995**

Date: March 1, 2005

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**Mail Stop PCT**  
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Alexandria, VA 22313-1450

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on

March 2, 2005

(Date)

Michael H. Trenholm, Reg. No. 37,743

**Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:**

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
  - (X) Copy of the Notification of Missing Requirements under 35 USC 371 dated February 11, 2005.
  - (X) An Oath or Declaration signed by the inventors (35 USC 371(c)(4)) in two (2) pages.
  - (X) Power of attorney form and copy of assignment in two (2) pages.
  - (X) Information Disclosure Statement and PTO/SB/08 Equiv. in two (2) total pages (IDS and SB08).
    - (X) Four (4) references
  - (X) Return prepaid postcard.

**FILING FEES NOT YET PAID:**

FEE CALCULATION					
FEE TYPE		LARGE FEE	CALCULATION		TOTAL
Late Oath/Decl.	37 CFR § 1.492(h)		1617 (\$130)		\$130
Excess Claims	10 - 20 = 0	1615 (\$50)	0 x 50 =		\$0
Excess Ind. Claims	1 - 3 = 0	1614 (\$200)	0 x 200 =		\$0
				<b>TOTAL FEE DUE</b>	<b>\$130</b>

- (X) A check in the amount of \$130.00 is enclosed to cover the above fees.

**Response to Missing  
Requirements Under  
35 USC § 371**

Attorney Docket No.: **DUMME56.001APC**  
First Named Inventor: **Laurence Michael Byrne**  
Int'l Application No.: **PCT AU/03/00349**  
US Application No.: **10/508,747**  
Entered National Phase: **September 21, 2004**  
Title: **INCREMENTAL MATERIAL URGING SYSTEM**

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The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.

Michael H. Trenholm  
Registration No. 37,743  
Attorney of Record  
Customer No. 20,995  
(951) 781-9231

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

MHT

**UNITED STATES DEPARTMENT OF COMMERCE**  
 United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/508,747	Laurence Michael Byrne	DUMME56.001APC
<span style="border: 1px solid black; padding: 2px;">INTERNATIONAL APPLICATION NO.</span>		
<span style="border: 1px solid black; padding: 1px;">PCT/AU03/00349</span>		
<span style="border: 1px solid black; padding: 2px;">I.A. FILING DATE</span>		<span style="border: 1px solid black; padding: 1px;">PRIORITY DATE</span>
<span style="border: 1px solid black; padding: 1px;">03/21/2003</span>		<span style="border: 1px solid black; padding: 1px;">03/21/2002</span>
<b>CONFIRMATION NO. 8307</b> <b>371 FORMALITIES LETTER</b>		
<span style="border: 1px solid black; padding: 1px;">*OC000000015161442*</span>		

Date Mailed: 02/11/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/21/2004
- Copy of the International Search Report filed on 09/21/2004
- Copy of IPE Report filed on 09/21/2004
- Preliminary Amendments filed on 09/21/2004
- Request for Immediate Examination filed on 09/21/2004
- U.S. Basic National Fees filed on 09/21/2004
- Priority Documents filed on 09/21/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/508,747	PCT/AU03/00349	DUMMIES6.001APC

FORM PCT/DO/EO/905 (371 Formalities Notice)

**COPY**

PATENT

~~ASSIGNMENT~~**- DO NOT RECORD -**

WHEREAS, I, Laurence Michael Byrne an Australian citizen, residing at 278 Hammond Avenue, Wagga Wagga, NSW, 2650 Australia, hereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in an INCREMENTAL MATERIAL URGING SYSTEM, the specification of which:

- (a)  was executed on even date herewith;
- (b)  was filed as Application No. 10/508,747 or  Express Mail No., as Application No. not yet known and was amended on \_\_\_\_\_ (if applicable); or
- (c)  was described and claimed in PCT International Application No. PCT/AU03/00349, filed on 21 March 2003 and as amended under PCT Article 19 on \_\_\_\_\_ (if any) and/or under PCT Article 34 on \_\_\_\_\_ (if any).

AND WHEREAS, Byrne Trailer Manufacturing (Wagga Wagga) Pty Ltd., with its principal place of business at 278 Hammond Avenue, Wagga Wagga, NSW 2650, Australia, (hereinafter referred to as Assignee) desires to acquire the entire right, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

This 24<sup>th</sup> day of November, 2004

Witnessed by:

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